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The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65101

Re: Proposed Amendments to Annual Report Submission
Requirements for Telecommunications Company
Case No. AX-2004-0160

Dear Judge Roberts:

This letter sets out SBC Missouri's¹ Comments on the proposed amendments to Chapter 3 -- Filing and Reporting Requirements concerning the Annual Report for telecommunications companies as published in the December 15, 2003 edition of the Missouri Register (Volume 28, No. 24).

SBC Missouri generally supports the amendments proposed by the Missouri Public Service Commission ("Commission") to the process in 4 CSR 240-3.540 for the submission of Annual Reports by telecommunications companies. SBC Missouri believes the new process proposed by the Commission is reasonable, orderly and workable.

SBC Missouri, however, would recommend one change in the procedure for determining whether information in a company's Annual Report designated as confidential should be made public. Under Proposed Rule 4 CSR 240-3.540(5), an entity wishing to challenge a confidential designation in an Annual Report must file a pleading with the Commission requesting an order to make the information available to the public and serve a copy of the pleading on the company affected by the request. The proposed rule currently allows the company affected by the request to file a response within 10 days.

SBC Missouri believes that this 10-day response time is too short and should be expanded to 15 days. Despite the Commission's implementation of its Electronic Filing And Information System ("EFIS"), SBC Missouri has found that many pleadings continue to be filed with the Commission in paper format and served on other parties by U.S. Mail. And in

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this letter as "SBC Missouri."

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many instances, parties that make filings through EFIS continue to send service copies of pleadings to other parties by U.S. Mail, even though the Commission's rules now permit electronic service. When pleadings are served by U.S. Mail, SBC Missouri has found that there is generally a three to four-day lag between mailing and actual receipt of the service copy. And in many cases, the lag has been as much as five to six days. Consequently, when pleadings are served by mail, a party's 10 days for filing a response is materially shortened, and in many cases a party is left with only four or five days (and sometimes even less than that due to intervening weekends and holidays) to prepare and file its response.

While reasonable limits should be established for filing such responsive pleadings, there is generally not the same press of time in the administrative Annual Report filing process as there often is in a contest case. In the contested case setting, the Commission's procedural rules provide 10 days for filing responsive pleadings to expeditiously advance the case. That rationale, however, does not apply to the same extent in the context of the administrative Annual Report filing process. This can be seen from the fact that there is no limit under the proposed rules on when pleadings must be filed to challenge a confidential designation in an Annual Report. In contrast, challenges to confidential designation of material in prefiled testimony in contested cases must be filed no later than 10 days after the grounds supporting the designation are filed. (See, Paragraph N of the Commission's Standard Protective Order).

SBC Missouri therefore urges the Commission to change the time for responding to pleadings challenging confidential designation of information in an Annual Report from 10 days to 15 days after the filing of such pleadings.

Please call me if you have any questions or need additional information concerning our comments. Thank you for your consideration.

Very truly yours,



Leo J. Bub

cc: Mr. Dana K. Joyce
Missouri Public Service Commission

Mr. Michael Dandino
Office of the Public Counsel